

Board of Commissioners

October 18, 2011 -- 1:00 p.m.

Meeting called to order by President Gogel. Parties present are as follows: Gogel, Logsdon, Toler, Board Attorney Lindsey, Auditor Lynam, Hwy Superintendent Painter and Engineer Lloyd.

Minutes

Joint Meeting Executive Session 10/10/11; Toler made a motion to accept the minutes as read. Logsdon seconded. All were in favor.

Highway Report

Painter, Lloyd and Commissioners discussed the status on all the county road jobs and operational capital needs of the county highway department. Painter will construct a list of 5-6 operational capital expenses needed for review by the Commissioners at a later meeting.

J.H. Rudolph - CR 200S

Superintendent Painter met with representative from J. H. Rudolph on problem areas in the asphalt on CR 200S. Representative is agreeable with Painter that CR 200S is not as good of a job as he would like it to be. J.H. Rudolph requested a meeting with the Commissioners. It was agreed Commissioners to schedule a meeting with J. H. Rudolph when lab tests on the asphalt comes in from Patriot Engineers.

E.S. Wagner

Painter stated that he spoke to Dave Ferguson with E.S. Wagner who had bonded a county road while working on the project at the Chrisney Lake. (E.S. Wagner had to travel about ½ of a mile on the newly paved road 1000N while working on the Chrisney Lake project for INDOT). Painter stated since this project has been completed and no damage done on the county road Painter recommended to the Commissioners that this bond be released. Logsdon made a motion to release E.S. Wagner from the surety bond and mail their cashiers check back to them per Painters recommendation. Toler seconded. All were in favor.

Engineer Report

Huffman Mill Bridge

Engineer Lloyd stated on the November 15, 2011 Commissioners meeting we will bid the Huffman Mill Bridge project and then at the December 6th, 2011 Commissioners meeting we will award the bid and enter into a contract

so we will be able to encumber the funds and perform the work in the spring of 2012 or when the weather breaks. Lloyd is working currently on the bid specs. Painter stated first rainy day he will send a brush crew up to the Huffman Mill Bridge to clean-up the brush. Logsdon asked what we can accomplish in-house. Lloyd and Painter will further discuss this matter.

CEDIT FUNDS

Lloyd stated the fund balances are coming in pretty even. Bids had come in less than anticipated. Lloyd stated the \$75,000 sign replacement grant was not awarded. Logsdon stated legislator was able to get the ruling changed and it is not to be a requirement as first anticipated by the counties.

Blanket Ordinance

Lloyd asked if Spencer County could have a blanket ordinance, like all county road speed limits are 25 miles per hour. She stated that she knows other counties do blanket ordinances for their county roads so they do not have to do an ordinance for each county road. Attorney Lindsey stated he did not see why Spencer County couldn't have a default. However, he will look into it.

Workmen's Compensation

Ron Pund, Dale State Agency came before the Commissioners. Mike Gunn, with Bliss McKnight was coming to speak however he had a medical emergency and could not make it. Pund stated he would speak on the matter of going with a workmen compensation plan in a Pool or not in a Pool. Basically, a Pool is owned by the members and its costs are shared whether good or bad. There was discussion on the topic. If the county would decide to make a change with the current workmen's compensation plan they would give a 30 days advance notice. It was stated that the loss ratio would stay with the county even if the county changed agencies. This data is public information.

Legal

Tax Sale/Commissioner Sale

Attorney Lindsey detailed to the Commissioners the process that would need to take place if the Commissioner would decide to keep any properties that do not sell at a tax sale. The first step that would need to happen per Attorney Lindsey is to prepare a title search and title opinion of the property selected to be kept.

Then, a notice would need to be sent out to the interested parties. The time line for notice requirement is 90 days after the tax sale. For instance the last county tax sale took place on September 7, 2011 so notices would have to be sent out before December 6, 2011. Then, county would have to petition the court for the tax deed to be issued. Then, another notice within 30 days will have to be sent out. SRI will do all of this work for the county and the title search and title opinions would be preformed for the county by Attorney Lindsey. It was decided to further discuss a property list for consideration at the November 1, 2011 Commissioners meeting. Attorney Lindsey stated the county could sell properties at a Commissioner Sale without taking title.

March 8 Holiday Village Lot

Auditor Lynam brought to the attention of the Commissioners a prospective buyer for March 8 which is a Lot in Holiday Village that the county did not sell at tax sale. It was determined that an Appraisal would have to be obtained and a notice in the local newspapers. It was tabled for the November 1, 2011 Commissioners Meeting.

Appointment

Eric Ayer, Attorney at Law in representation of South Spencer County School Corporation came before the Commissioners to request Terry Smith be appointed the taxpayer representative to the Common Construction Wage Committee being convened in order to establish wages for the South Spencer High School Unit C Roof System Replacement and Structure Remediation construction project. Logsdon made a motion to approve this recommendation by Ayer. Toler seconded. All were in favor.

Sara Arnold presented to Auditor Lynam a request for a re-appointment to the Lincoln Heritage Public Library Board for a term to end on April 30, 2014. Pauline Marshall recently sold her home and has moved. Arnold requested Rev. Chip Jahn as the new Huff Township representative appointment. Logsdon made a motion to approve Arnold's recommendation. Toler seconded. All were in favor.

EMA – MOU

Attorney Lindsey stated he reviewed the revised MOU (Memorandum of Understanding) for the use of Spencer County 105KW Caterpillar Generator and it meets his approval. Logsdon made a motion to accept Lindsey's recommendation to proceed with the execution of the MOU. This agreement is made between the Spencer County

Commissioners, Spencer County Emergency Management Agency, all within District 10. Toler seconded. All were in favor.

Ordinance 2011-10

Lindsey requested discussion of ordinance 2011-10. It is basically a weather related declaration of local travel advisory. There was discussion. Gogel tabled until November 1, 2011.

Jail

Kermit Lindsey, county sheriff stopped by the Commissioners meeting to discuss the communication tower at Chrisney. Sheriff Lindsey went on to say that it is apparently not transmitting. Sheriff Lindsey stated there is a back-up radio there but it is not nearly as powerful. It actually went down the end of September and Sheriff Lindsey stated he has been trying to get it repaired. The back-up radio does not reach Santa Claus and New Boston. Currently, in St. Meinrad they have to make calls instead of paging. Harmonic is working on repairing it but it is an out dated system. Sheriff Lindsey stated that with the new communication grant he wanted the commissioners to be aware there are two repeaters that will have to be updated. Logsdon asked where will the money come from for these two repeaters. Gogel stated it has not been decided. Logsdon asked if this expense was put in the 2012 budget. Logsdon stated he was not aware of this problem. Logsdon suggested we wait until Scott Meadors comes in at 2:45 p.m. today to discuss this serious problem with him on timeline. Sheriff Lindsey stated he would discuss this matter with the council at their meeting tonight.

Ordinance 2011-11

Eileen Woolsey with Wetherill Law office came before the commissioners to vacate a street and alley due to a loan denial and to request that it be considered to be adopted at the first reading due to the lengthy delay of the loan process for the current buyers. Logsdon made a motion to suspend the rules at no damage to the county in regards to the ordinance 2011-11 in order to adopt it in its first reading. Toler seconded. All were in favor. Toler made a motion to read the ordinance by title; An Ordinance to Vacate plat of lots, portion of an alley and a part of unimproved Mitchell Street in Lincoln City, Spencer County, Indiana and to adopt ordinance 2011-11 on the first reading. Logsdon seconded. All were in favor.

Recess/Reconvened

Logsdon made a motion to recess at 2:25 p.m.

The Commissioners meeting reconvened at 2:33 p.m.

Community Wide Grant

Scott Meadors came before the commissioners with updates on the communication towers. One hour ago Meadors stated he received the release of the funds for the FEMA grant. The Funds will be directly deposited into Carter Fire banking account. It was suggested to Meadors to prepare a claim for the 10% county match. Meadors stated that will come at the end of the process. There was talk previously about delaying the move of the 180 foot tower. Pictures were provided by Meadors of the damage he noted after inspection of the 180 foot tower. Another issue with this is that tower is only 60 foot not actually 180 foot. Meadors did obtain quotes to take the 180 foot (actually 60') tower down and to move it to St. Meinrad. Vectren and Preferred Tank and Tower need to get together on the electric for both the animal control building and the new Chrisney Tower site. There was more discussion on the need to get the tower at Chrisney up as soon as possible. Meadors will contact Preferred Tank and Tower to begin work. There was discussion concerning Sheriff's concerns earlier to Meadors. Meadors stated he had not been made aware of any problems but will be at a Fire Chief meeting tonight and will check on communication problems as were discussed previously with the Sheriff. Meadors stated if need be the sheriff could lease equipment. Meadors stated the highway department repeater is included in this grant and will be placed on the Chrisney 300 foot new tower. The highway will still have to get radios but the repeaters are covered for the highway. Logsdon made a motion to move ahead at Meadors recommendation concerning obtaining quotes to move the Chrisney Tower to St. Meinrad. Toler seconded. All were in favor. Attorney Lindsey stated that the quotes would have to include the Indiana General Assembly's adoption of Chapter 319, Acts of 1935, Indiana's prevailing wage law (now the Common Construction Wage Act). Meadors stated he had not included this verbiage. Attorney Lindsey stated the quotes could not be considered that Meadors had obtained prior to this meeting. It was determined commissioners would have to appoint two representatives to this committee for these quotes. Recommendations made at meeting were Tara Lloyd, county engineer and Charlie Bates or Terry Smith. There was discussion of the required legal process. Logsdon inquired to

legal counsel on the action that could be done at todays meeting. Attorney Lindsey recommended to the commissioners they could advertise that the bid packages could be available to be picked up on November 4th and bids could be opened on November 15th 2011. Logsdon made a motion to authorize the publication of the bidding process for the dismantling and re-erection of the 180 foot tower based on Attorney Lindsey's recommendation if legal to do so. Toler seconded. All were in favor. Meadors and Attorney Lindsey will prepare the bid specs.

Recess/Reconvened

Logsdon moved to recess the commissioners meeting at 3:15 p.m.

The commissioners meeting reconvened at 3:26 p.m.

Community Wide Grant

Logsdon asked if there was a balance at the end of the grant process that has been approved by FEMA for the Community Wide Grant could it be used to purchase repeaters for the Sheriff department so it would not have to come out of counties general fund. Meadors stated yes, repeaters could be purchased but no radios. Carter Fire Department maintains and owns this equipment and must be notified to make the determination what is done with the equipment if it becomes obsolete in the future.

SRI

Auditor Lynam presented to the commissioners an amendment & e-verify affidavit for their review and execution. Lynam had put in the commissioners packets and had the county attorney review prior to todays meeting. Attorney approved the amendment and e-verify affidavit for execution by the commissioners. Toler made a motion to approve the execution of SRI documentation. Logsdon seconded. All were in favor.

Adjourned

Logsdon made a motion to adjourn. Toler seconded. All were in favor.

Board of Commissioners meeting adjourned at 3:45 p.m.

President
Attest:

Donna J. Lynam, Auditor

